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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,953	12/22/2000	Robert James Laferriere	GEMS:0110/YOD (15-SV-5653)	1242
7590 02/22/2006			EXAMINER THOMPSON, MARC D	
Patrick S. Yoder Suite 330 7915 FM 1960 West Houston, TX 77070			ART UNIT 2144	PAPER NUMBER

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/746,953	Applicant(s) LAFERRIERE ET AL.	
	Examiner Marc D. Thompson	Art Unit 2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 11-26 and 29-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11-26 and 29-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment, received 11/18/2005, has been entered into record.
2. Claims 1-8, 11-26, and 29-37 remain pending.

Priority

3. No claim for priority has been made in this application.
4. The effective filing date for the subject matter defined in the pending claims in this application is 12/22/2000.

Drawings

5. The Examiner contends that the drawings submitted on 12/22/2000 are acceptable for examination proceedings.

Double Patenting

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 1-8, 11-26, and 29-37 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 16-42 of copending Application No. 09/682,238.

This is a provisional obviousness-type double patenting rejection.

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8. Various claims of the copending application directly overlap claims subject matter instantly claimed. There is not a major difference between the sought coverage found in both these applications. If provided with one of the teachings, the other set of teachings would have been obvious to one of ordinary skill in the art the time of invention without undue experimentation) or even further art exploration) due to the minimal difference in claimed subject matter.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1-8, 11-26, and 29-37 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. Claim 1 recites “identifying a logical block of the screen display affected by the input event at the controlled computer based upon the program and input event data” in Lines 12-13 of the claim. It is unclear where this functionality occurs, and how it is executed to perform the claimed method. The identification of a logical block of a screen display based on input events will be presumed to occur at the controlled computer.

12. All claims recite “storing the data representative of the screen display in memory at the controlling computer” or equivalent. See, inter alia, Claim 1, Lines 8-9 and 16-17, Claim 11, Lines 7-8, and Claim 20, Lines 8-9 and 14-15. It is unclear what type of memory storage is being utilized to perform this function. Information which is displayed is inherently stored in memory, for example, in video random access memory. In fact, a specific section of memory

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defines precisely what is currently displayed on an output device. Other types of memory, for example random access memory, electromagnetic storage, volatile and/or non-volatile memories, are also suitable for storage of arbitrary data, including data to be displayed. Thus, the generic and arbitrary specification of “memory” without any indication of how the storage is performed or effects of the storage on the system as a whole renders these claims indefinite due to the inability to determine how screen display information is stored, and the portion(s) of the system specifically utilized to store the information.

13. Claim 18 further limits claim 11, which recites “designating a portion of the screen at the controlled computer based upon...”. It is noted that this expressly recites a “portion of the screen”. Claim 18 recites “wherein the portion includes a graphical input device” which simply makes no sense in current context. Minimally, there is insufficient antecedent basis for this limitation in the claim, since a differing “portion” must be intended.

14. Claim 20 recites “transmitting screen data representative of the portion of the screen for display at the plurality of controlling computers” in Lines 15-16 of the claim. This limitation fails to describe the origin and destination of the recites transmission.

15. Claim 24 recites “display of the interface screen” in Lines 7-8 of the claim. It is unclear where this display occurs.

16. Claim 24 recites “the controlled device” in Lines 12-13 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Allowable Subject Matter

17. The prior art of record does not fairly teach or suggest a master/slave controlling/controlled paradigm of network computing elements performing the designation of a

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portion of the screen at a controlled computer based on input event(s) generated at a controlling computer which are transmitted to the controlled computer and act to define/delimit/designate a logical screen display portion of the output display area on the controlled computer, where application programmatic functionality is actively occurring at the controlled computer, and the effecting of transmission of image data corresponding to the portion of the screen at the controlled computer to the controlling computer. This combination of features is persuasively argued by Applicant in the Response, received 11/18/2005, inter alia, in Pages 10-16. Applicant notes differences including the role of the computing elements as claimed being distinct from the prior art usage of shared applications, GDI layer implementation for image transfer, and host/viewer paradigm. Support for this functionality is found in the present specification, inter alia, at Pages 6 through 11, and Figure 4.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc D. Thompson whose telephone number is 571-272-3932. The examiner can normally be reached on Monday-Friday, 9am-4pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, David Wiley can be reached at 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned has recently changed, and is now 571-273-8300.

20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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